

Proceedings of the Third Session of the Second Assam Legislative
Assembly assembled under the provisions of the
Government of India Act, 1935.

The Assembly met in the Assembly Chamber, Shillong, at 11 A. M. on
Monday, the 24th March, 1947.

PRESENT

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the seven
Hon'ble Ministers and fifty-five Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Water-supply in the Municipal areas of Tezpur and Gauhati

Srijut OMEO KUMAR DAS asked :

*36. (a) Is Government aware of the difficulties of Water-supply in the
Municipal areas of Tezpur and Gauhati ?

(b) Will Government be pleased to state what steps it proposes to take to
remove these difficulties ?

(c) Does Government propose to take necessary steps to overhaul the
whole machinery of the present water-works and to extend the pipeline and to
enlarge the reservoir ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

36. (a)—Yes.

(b)—It is a statutory obligation of the Boards concerned to make the
necessary arrangement. Government can help in procuring machines, etc., if
available, and can grant a loan for the purpose, if required.

(c)—So far as it relates to the Gauhati Municipality which has recently
been superseded, a scheme is already under the consideration of Government for
immediate temporary improvement and also for long range permanent improve-
ment of the water-supply.

Srijut OMEO KUMAR DAS : What about Tezpur Municipal water-
works, Sir ?

†The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, it is implied
in the reply that the Municipality must do its duty first and the Government
will come to its help.

Srijut GAURI KANTA TALUKDAR : Are the Government aware that
the water-supply system of the Gauhati Municipality is not functioning satisfac-
torily from a pretty long time ? What steps do Government propose to take for
its improvement and for prevention of the impending calamity ?

†The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It may be, Sir,
but as I have replied the Government is taking steps to improve the water-supply
of the Gauhati Municipality and a scheme is being implemented.

†Speech not corrected.

Srijut GAURI KANTA TALUKDAR: My question is not as regards the long term arrangements but regarding the short term arrangements. As the matter is taking a serious turn, may I know what the Government propose to do just today to improve the water-supply position?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government is doing everything in their power to restore the installation as early as possible.

Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Minister take it from me that the matter is a very serious one and the people are not getting supply of water regularly? Will the Government be pleased to expedite the work of improvement of the water-supply in the town of Gauhati?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government has already appreciated the gravity of the problem and this is one of the reasons why the Government has superseded the Municipality. After the supersession of the Municipality the Government have placed one expert officer in charge of the Municipality. The Additional District Magistrate has been appointed as the executive officer and one expert officer has also been deputed there.

Srijut GAURI KANTA TALUKDAR: May I know the name of the expert officer who has been deputed to the Municipality?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** My impression is that he is one of the officers of the Imperial Service but I cannot exactly name the officer.

***Srijut SIDDHI NATH SARMA:** The Hon'ble Minister replied that a scheme has been sanctioned. May I know, Sir, whether that fact has been informed to the Municipality?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Yes, Sir, the Executive Officer who is now in charge of the Municipality knows it.

Srijut GAURI KANTA TALUKDAR: May I know, Sir, whether the expert who has been deputed to the Municipality has been given power to investigate the long term arrangements only or to take some effective steps in furtherance of the interim arrangements, *i.e.*, giving immediate relief?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Sir, I cannot definitely answer to this question. But my impression is that if the help of the officer is sought for, that help will be forthcoming and there will be no difficulty.

Srijut OMEO KUMAR DAS: Sir, the Tezpur Municipality submitted an application for loan and also a scheme for the improvement of Tezpur water-works. What consideration has the Government given to that application?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Sir, it is a new question and I cannot exactly reply. But as I have already replied if the Municipality approaches the Government they are prepared to give out a loan.

*Speech not corrected.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

(Further Supplementaries on * Unstarred Question No. 133)

The Hon'ble the SPEAKER: There was a Question put by hon. Srijut Mahendramohan Choudhury which stood over and the Hon'ble Minister should make the point clear.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, as I told the other day that it was not possible for me to challenge my hon. Friend as the book he was reading was not in my possession and I also mentioned that it was not possible for me to explain the situation only by hearing a distorted portion from the Audit Report. Sir, there were cases of double misconceptions with my hon. Friend when he challenged my figure. The first is that he was quoting from the Appropriation Accounts of 1944-45, the Audit Report was prepared during the year 1946. The question that was put was relating to the year 1945-46 but the account for which the Audit Report was meant was for the previous year, that is 1944-45. Therefore, this was the first mistake that was committed by my hon. Friend in challenging my figure.

Now, the portion which he read was also not correctly interpreted because that paragraph which my hon. Friend read runs like this. "It was decided that the firm should make purchases within the ceiling rates fixed by Government from time to time. As the ceiling rates were reduced periodically the value of stock purchased at higher rates had to be written down. In consequence, in the year under report Government had to suffer a loss of Rs.6,11,607."

This does not mean, Sir, that Government had suffered a loss to this extent in the entire transaction. This loss relates only to the depreciation accounts which amount had to be written off and in spite of this there was a profit of Rs. 11 lakhs and odd which I quoted the other day. Had there not been this loss that was covered by the depreciation account, the profit would have been much more. So, Sir, I emphasize that in spite of this loss due to the depreciation there was a net profit of Rs. 11 lakhs and odd. Now, my point is that the figure mentioned by my hon. Friend Mr. Choudhury does not relate to the year for which he put the question. He made a mistake by misreading a portion of the book as that portion does not relate to the real question at issue. The loss he referred to was under a particular head, namely 'depreciation accounts'.

Srijut MAHENDRAMOHAN CHOUDHURY: Sir, I read what was given in the book and in view of that how the Hon'ble Minister can say that I misread the portion from the book?

*Srijut MAHENDRAMOHAN CHOUDHURY asked:

133. Will Government be pleased to state—

- (a) The amount of profit or loss incurred by Government on the course of their paddy procurement scheme through Agency of Messrs. Steal Brothers during the year 1945-46.
- (b) Whether there has been any loss?
- (c) If so, will Government be pleased to state the cause for such loss?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied:

133. (a)—A profit of Rs. 11,20,931 taking rice and paddy together.
 (b) & (c)—Do not arise.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, I am sorry that I have not been able to clear the point.

The Hon'ble the SPEAKER: I think no further argument is necessary. Hon. Members may now put Supplementary Questions.

***Shri SATINDRA MOHAN DEV:** Sir, the explanation given by the Hon'ble Minister is not clear to us. There was a figure to represent the loss and this figure has not been shown to have been carried into the transaction of the subsequent year.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, there was a particular item under which the Government had to write off the amount of loss in question, and in spite of this there was a profit of over Rs. 11 lakhs, as I have already stated.

The Hon'ble the SPEAKER: There was no loss as a matter of fact when the entire transaction is taken into account. But the loss, as quoted, is a loss in a certain section of the transaction. If that be so, the Hon'ble Minister is correct when he says there was no loss.

Srijut MAHENDRAMOHAN CHOUDHURY: Sir, the explanation given by the Hon'ble Minister is not correct. I may read out the portion from the book again. "In consequence, in the year under report Government had to suffer a loss of Rs.6,11,607." It means that, after taking everything into account in the year under report the Government sustained a loss of Rs.6,11,607, if I understand it correctly or if I have some amount of knowledge of English which I claim, I have. So the Hon'ble Minister has twisted the fact by his interpretation and thereby he tries to show that Government incurred no loss, rather made a profit. Sir, the wording of the Report is very very clear. The context as I read in the Report—"As the ceiling rates were reduced periodically the value of stock purchased at higher rates had to be written down. In consequence, in the year under report Government had to suffer a loss of Rs. 6,11,607" is only an explanation why the Government suffered a loss in this transaction. Everything therefore clearly shows that there was a loss and no profit which the Hon'ble Minister has been trying to assert.

The Hon'ble the SPEAKER: It is highly desirable that quotations from books or reports should be made after careful reading and scrutiny. I now pass on to Unstarred Question No. 143.

Retaining fee to Government Pleaders

Babu KAMINI KUMAR SEN asked :

143. Will Government be pleased to state—

- (a) If it is a fact that the Government Pleader at Habiganj is being given a monthly retaining fee for many years as a permanent measure ?
- (b) Whether it is also a fact that such Pleaders at other Subdivisional towns like Karimganj, Sunamganj and Maulavibazar have been granted such a fee only recently as a temporary measure and that such temporary arrangement is being still continued with periodical extensions ?
- (c) If so, whether Government propose to make the arrangement permanent and uniform for all Subdivisions ?

*Speech not corrected.

The Hon'ble Mr. BASANTA KUMAR DAS replied :

143. (a)—Yes.

(b)—Yes.

(c)—Government will reconsider the question of making the arrangement permanent before the close of the present temporary arrangement, which is on 31st December, 1947.

Permanent establishment of the District Judge's Court, Assam Valley Districts

Maulavi ABDUL HAI asked :

144. Will Government be pleased to state—

- (a) Whether the staff of the permanent establishment of the District Judge's Court in the Assam Valley Districts are getting the same scale of pay as drawn by the same class of officers in the District Judge's office at Sylhet ?
- (b) If not, why there is discrimination ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

144. (a)—No.

(b)—In the Assam Valley the bulk of the Civil work is done in Deputy Commissioners' offices ; consequently Office work in the Judge's office is comparatively light. The Pay Commission will consider the revision of the scales of pay.

Copyists and Typists in the Deputy Commissioners' Offices in the Province

Maulavi ABDUL HAI asked :

145. Will Government be pleased to state—

- (a) Whether the Copyists and Typists in the Deputy Commissioners' Offices all over the Province, for purpose of control and discipline are treated in the same way as the salaried members of the permanent establishment of those offices ?
- (b) If so, whether they enjoy the same privilege in the matter of pay, pension, leave, medical aid, etc. ?
- (c) If not, why not ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

145. (a), (b) & (c) —Yes : for the purpose of control and discipline they are treated similarly except that leave is freely allowed to them and they are not debarred from outside employment to supplement their income. Similarity in the matter of control and discipline does not necessarily connote similarity in the other conditions of service and under the condition of service which they accepted they are not entitled to pay nor to pension. They are remunerated by fees and the benefits of contributory provident fund which are primarily meant for Government servants not in permanent pensionable service have been extended to them. As an act of grace Government have also allowed them dearness allowance and interim relief in the rate of remuneration even though the copyists and typists are not in the same category of employees for whom these concessions are primarily meant. Not being regular Government servants they are not entitled to free attendance by Government medical officers but free medical aid will not be refused to them when they attend any Government or local fund dispensary.

Srijut GAURI KANTA TALUKDAR: Sir, when so many concessions have been granted to the copyists and typists, as stated in the reply, may I know what prevents Government in treating these copyists and typists as regular Government salaried servants?

***The Hon'ble Mr. BASANTA KUMAR DAS:** The number of them is not so small, Sir, that Government can at once introduce any change with regard to their prospects.

Srijut GAURI KANTA TALUKDAR: May I know, Sir, from the Government whether it is a fact that only a small fraction of the Government income earned through the services of these classes of Government employees is given to them as remuneration for their services?

***The Hon'ble Mr. BASANTA KUMAR DAS:** I submit, Sir, that it is a new question and I require notice of it.

Srijut GAURI KANTA TALUKDAR: Sir, will Government be pleased to ascertain whether my statement is correct or not?

***The Hon'ble Mr. BASANTA KUMAR DAS:** Government will try to examine this question.

Srijut GAURI KANTA TALUKDAR: Do Government propose to improve the lot of these employees if my statement is found to be correct?

***The Hon'ble Srijut BISHNURAM MEDHI:** Sir, what is the source of the information of the hon. Member? Is he definite in his information?

Srijut GAURI KANTA TALUKDAR: Yes, Sir, it is so at least as regards the Gauhati Judge's Court and the Deputy Commissioner's offices are concerned. I think the Government's share will be two-thirds of the income derived from the services rendered by them and only one-third goes to them as their remuneration.

***The Hon'ble Srijut BISHNURAM MEDHI:** That statement is quite wrong, Sir.

Srijut GAURI KANTA TALUKDAR: I think, I am not.

The Hon'ble the SPEAKER: But the Hon'ble Finance Minister says, the statement made by the hon. Member is quite incorrect.

***The Hon'ble Srijut BISHNURAM MEDHI:** My point is, Sir, that the hon. Member himself is not aware of the actual state of things.

Srijut GAURI KANTA TALUKDAR: Sir, I challenge the statement of the Hon'ble Minister. I have got figures with me in support of what I am saying though it is not with me just at this moment. I also submitted a set of Questions on this very subject and as they were not going to be answered to-day I did not take the notes with me this morning. My question is whether Government propose to try to put them in regular salaried service cadre in view of the fact that the Government are making a huge income out of their services?

***The Hon'ble Mr. BASANTA KUMAR DAS:** This is argumentative, Sir.

Srijut BELIRAM DAS: Is there any harm in making these services permanent?

*Speech not corrected.

The Hon'ble Mr. BASANTA KUMAR DAS : It is very difficult for me to say whether there will be harm to any body ; it may be that some other permanent services might be affected.

Srijut GAURI KANTA TALUKDAR : Will Government be pleased to say whether they have got any representation from the copyists and typists of Gauhati, Nowgong and other places for treating them as regular Government servants ?

The Hon'ble the SPEAKER : How is that relevant ? With reference to replies to Questions Nos. 145 (a), (b) and (c), I do not find any relevancy.

Srijut GAURI KANTA TALUKDAR : Are Government aware that the copyists and typists have brought their grievances to the notice of the Government by representations ?

The Hon'ble the SPEAKER : The question of grievances does not arise from replies to Questions Nos. 145 (a), (b) and (c). Will the hon. Member please read them.

Srijut GAURI KANTA TALUKDAR : The question is whether they enjoy the same privileges as the regular Government servants.

The Hon'ble the SPEAKER : Where is the question of grievance ?

Srijut GAURI KANTA TALUKDAR : Have Government received complaints that the copyists and typists are deprived from enjoying the privileges in the matter of pay, pension leave, medical aid, etc., which are enjoyed by regular Government servants ?

The Hon'ble Mr. BASANTA KUMAR DAS : There have been some representations from this class of Government servants as there are representations from other classes of Government servants as well.

Srijut GAURI KANTA TALUKDAR : Will Government be pleased to consider their case sympathetically and to see that they are treated as regular Government servants ?

The Hon'ble Mr. BASANTA KUMAR DAS : I have already answered the question, Sir.

Dearth of Mustard Oil in the Province

Maulavi Dewan TAIMUR RAZA CHAUDHURY asked :

146. Will Government be pleased to state—

- (a) The reasons as to why the people of the Province as a whole are suffering for want of mustard oil ?
- (b) When the improvement of the position of mustard oil may be expected ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

146. (a)—The reasons are :—

- (i) The Province is deficit in mustard oil.
- (ii) The surplus administrations, viz., United Provinces and Raj-

putana from which we were allotted a quota of 10,000 tons failed to supply the quota.

(b)—Mustard oil has since been decontrolled by Government of India. We have to wait and see whether the position improves or deteriorates in consequence of it.

Babu RABINDRA NATH ADITYA : Is it a fact that some of the procuring agents had in their stock, and in transit, some quantity of mustard oil at the time when the decontrol order was announced ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Does that question arise, Sir ? If it does, I am ready to answer it.

The Hon'ble the SPEAKER : I don't see how it arises under Question No.146(a) and (b). As a matter of fact the whole question falls through in view of the changed circumstances.

Babu RABINDRA NATH ADITYA : The position is this, Sir : at the time of decontrol some of the agents had with them, or in transit, some stocks of mustard oil which they procured at controlled rate, but they are now taking advantage of the decontrol order to exact higher prices from the consumers.

The Hon'ble the SPEAKER : The Hon'ble Minister may reply if he wants to.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : It is a fact that when oil was decontrolled there was some consignments on the way, and it may be that there were some stocks in the possession of the permit-holders, but it is difficult to say at this stage whether the prices will go abnormally high. I admit, Sir, that prices will go up now. But we hope that in course of a month or so the prices will come down for two reasons, *viz.*, new mustard seeds will be available and at the same time there will be free competition. We therefore expect that prices will go down in due course.

Babu RABINDRA NATH ADITYA : My point is whether those agents, who had with them or in transit some stocks of mustard oil, will be allowed by this Government to take advantage of the higher prices since they got this oil at controlled rate under the auspices of the Government ?

Shri SATINDRA MOHAN DEV : What was the stock of oil with the agents at the time of decontrol ?

The Hon'ble the SPEAKER : This question cannot be answered offhand.

Srijut GAURI KANTA TALUKDAR : Can Government give us some idea as to the extent to which this Province is deficit in the matter of mustard oil ?

Babu RABINDRA NATH ADITYA : Are we to understand that Government are reluctant to answer my simple question ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I refuse to answer that question, Sir, if it is put in this way.

Srijut BELIRAM DAS : Is it a fact that in the Garo Hills, control over the purchase and sale of mustard oil and mustard seeds is not abolished up till now ?

The Hon'ble the SPEAKER : How is it relevant ? This is not a general debate.

Babu RABINDRA NATH ADITYA : Will Government be pleased to state whether the stock at the time of decontrol will be sold at the controlled rate ?

The Hon'ble the SPEAKER : When there is no control how can the question of selling at the controlled rate arise ?

Babu RABINDRA NATH ADITYA: Have not this Government got any power to force those agents to sell their stock at controlled rate?

The Hon'ble the SPEAKER: Under what law, please? The hon. Member is a lawyer and he knows better.

Babu RABINDRA NATH ADITYA: I am a lawyer, Sir, and I know that if Government will it, they can find a way.

Srijut DANDESWAR HAZARIKA: Do Government propose to take any steps with regard to the mustard oil which was in stock with different dealers at the time of decontrol?

The Hon'ble the SPEAKER: What is the relevancy? Of course I understand the importance of this question, but how is it relevant?

Srijut DANDESWAR HAZARIKA: The relevancy comes with regard to prices, Sir. If the price of mustard oil goes abnormally high, the stocks with the dealers.....

The Hon'ble the SPEAKER: Order, order. The question was "Will Government be pleased to state (a) The reasons as to why the people of the Province as a whole are suffering for want of mustard oil? and (b) When the improvement of the position of mustard oil may be expected?. The reply is "(a)—The reasons are :—(i) The Province is deficit in mustard oil and (b)—Mustard oil has since been decontrolled by Government of India. We have to wait and see whether the position improves or deteriorates in consequence of it".

How can we drag in the stocks with the dealers at the moment of decontrol under these two questions? I do not find any relevancy.

Srijut DANDESWAR HAZARIKA: The relevancy comes here. Government have replied that mustard oil has since been decontrolled by the Government of India and we have to wait and see whether the position improves or deteriorates in consequence of it. Now, what I want to know from this Government is this: If due to decontrol the price of mustard oil goes abnormally high on the ground of justice and equity are Government going to.....

The Hon'ble the SPEAKER: That is a hypothetical question.

Decontrol of Kerosene Oil

Maulavi ABDUL HAMID asked :

147. (a) Are Government aware that the supply of Kerosene Oil has now reached a stage where further control does not appear to be at all necessary?
(b) Do Government propose to consider the desirability of decontrolling Kerosene Oil?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

147. (a)—Though Kerosene quota has been increased to 97½ per cent. of 1941 off-take, it is not yet sufficient to meet the full demand of the rural and urban areas due to increase in population and greater demand.
(b)—The supply position is such that decontrol may lead to hoarding and black-marketing, besides, the control is imposed at the instance of the Central Government and the Provincial Government cannot take unilateral action.

Babu KAMINI KUMAR SEN: With regard to question No. 147 (a) Sir, the reply is "Though Kerosene quota has been increased to 97½ per cent. of 1941 off-take, it is not yet sufficient to meet the full demand of the rural and urban areas due to increase in population and greater demand".

May we know what is the increase of population since 1941 and whether Government has got any accurate data to show that there has been appreciable increase in population?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: From past experience I can say that in course of 6 years there has been appreciable increase in population.

The Hon'ble the SPEAKER: Due to what?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Mostly due to natural causes, Sir.

Babu KAMINI KUMAR SEN: Can the Hon'ble Minister give an accurate idea as to the percentage of increase?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: That is very difficult to say, Sir. But from past experience we can easily say that after the census of every 10 years population is found greatly increased.

Babu KAMINI KUMAR SEN: May we know what is the reason for greater demand?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Greater demand is due to the increase in the members in family, Sir. Of course there are other causes, viz., immigration, etc.

Babu KAMINI KUMAR SEN. Is it not a fact that in 1941 there was absolutely no scarcity of Kerosene and if that supply is now available very few can afford to purchase more than 75 per cent. of his pre-war requirement?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: That is very difficult to say. Just now, you have heard, Sir, about the decontrol of mustard oil and that the price is going very high. It must be admitted by one and all that so far as kerosene oil is concerned, the situation is not bad. Of course people are not getting as they desire. But at the same time it must be admitted that they are now carrying on somehow.

Babu KAMINI KUMAR SEN: My point is that when in 1941 there was no scarcity of Kerosene oil and when practically that supply is now available there is absolutely no reason to control the commodity now.

Babu JATINDRANATH BHADRA: Is there any scope of increasing the quota of kerosene oil?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, without divulging any secret I can say this much that we are thinking whether this should be done, but the Government of India is there. As regards Mr. Sen's question I like to refer him to answer (b). "The supply position is such that decontrol may lead to hoarding and black-marketing besides, the control is imposed at the

instance of the Central Government and the Provincial Government cannot take unilateral action." Everything has been made perfectly clear, Sir, but I can say this much that we are considering whether we should take up the question of decontrol or not. Sir, there is a section of people who thinks that at present people are getting enough Kerosene oil to carry on, but if it is decontrolled, in that case there might be black-marketing and hoarding and there will be difficulties. So, Government is thinking all this; we shall approach the Government of India and if we get their approval in that case we shall decontrol it.

***Srijut DANDESWAR HAZARIKA:** May we know what will be the utility of black-marketing when there is no scarcity of mustard oil? What benefit will the black-marketeers get when there is no scarcity?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: If there is no scarcity then what is the harm in controlling this?

***Srijut DANDESWAR HAZARIKA:** It has been stated by the Hon'ble Minister that Government do not think that there is any scarcity at present. So, if Government do not think that there is any scarcity then what is the utility of controlling mustard oil?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I do not remember to have said that there is no scarcity of mustard oil.

Babu KAMINI KUMAR SEN: Are we to understand that the Provincial Government will press upon Government of India to have their sanction to decontrol kerosene oil or at least make an experiment in the case of mustard oil?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: We shall be very glad to do so.

Dearth of Sugar in the Province

Maulavi ABDUL HAMID asked:

148. (a) Are Government aware that dearth of sugar is being keenly felt by the public of Assam?
 (b) Will Government be pleased to state what steps, if any, they have taken to improve the supply?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied:

148. (a)—Yes.

(b)—This Government have been repeatedly urging the Government of India to increase Assam's quota, but in vain. But since this Government assumed Office, a redistribution of Assam's quota on equitable basis has resulted in increased supply to rural areas.

Mr. E. W. B. KENNY: Are Government aware that there are large tracts of lands in the Province which are imminently suitable for cultivation of sugarcane, but due to the deprecations of wild elephants this cultivation cannot be carried on? Have Government taken any steps in this matter?

***The Hon'ble Mr. BAIDYANATH MOOKERJEE:** What is the view of the hon. Member as to "grow-more-sugarcane", Sir?

The Hon'ble the SPEAKER: The point on question is there are large tracts of lands suitable for sugarcane cultivation. There could have been a large supply of sugarcane, but due to the depredations of wild elephants that cannot be done. What steps Government have taken in this direction?

***The Hon'ble Mr. BAIDYANATH MOOKERJEE:** That is the same question again? (*Laughter*). Even if we can stop elephants I do not know how we can manufacture sugar without having any factory either inside the Province or near about the Province. Gur may be increased. If that is the intention, of course, we have taken steps, but so far as wild elephants are concerned it was replied by the Hon'ble Premier the other day.

Decontrol of Mustard Oil

Maulavi ABDUL HAMID asked:

149. (a) Are Government aware that there is dearth of mustard oil in the district of Sylhet and other places of the Province?

(b) Do Government propose to consider the desirability of decontrolling mustard oil?

(c) Are Government aware that Government Agents have failed in procuring the required quantity of mustard oil?

(d) Are Government aware that in the North Sylhet Subdivision the stock of mustard oil at present is nil and that procurement through private agencies is not being allowed?

(e) What steps Government have taken to remove the widespread grievances of the public in the matter of mustard oil?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied:

149. (a)—Yes.

(b)—Mustard oil has since been decontrolled by Government of India and this Government are also taking necessary steps to remove all restrictions imposed on the sale and distribution of mustard oil.

(c)—Yes.

(d)—Yes.

(e)—The hon. Member may kindly refer to the reply given to Unstarred Question 146(a) asked by Maulavi Dewan Taimur Raza Chaudhury, M.L.A.

Scales of pay of the Sub-Assistant Surgeons of the Public Health and Medical Departments, Rural Health Inspectors, etc.

Babu JAGAT BANDHU SIRCAR asked:

150. Will Government be pleased to state the scales of pay of the following officers in the years 1915 and 1946:—

(i) Sub-Assistant Surgeons of the Public Health and Medical Departments.

**Speech not corrected.*

(ii) Inspectors and Sub-Inspectors of Vaccination (now called Rural Health Inspectors).

(iii) Overseers of the Public Works Department.

(iv) Sub-Inspectors of Police ?

151. Will Government be pleased to state—

(a) The duties of the Rural Health Inspectors and Sub-Assistant Surgeons of Epidemic unit (to be shown separately) ?

(b) Whether these officers get any special pay for risky and arduous nature of duties.

(c) If so, what is the rate of that special pay ?

(d) Whether these officers are allowed the service of any peon for due discharge of their duties ?

(e) If not, why not ?

(f) Whether Rural Health Inspectors get any house rent allowance ?

(g) If so, what amount ?

The Hon'ble Srijut RAMNATH DAS replied :

150.—Statements are given below :—

1915

(i)—4th grade, from 1 to 5 years' service—Rs.50 per mensem.
3rd grade, from 6 to 10 years' service—Rs.60 per mensem.
2nd grade, from 11 to 15 years' service—Rs.70 per mensem.
1st grade, over 15 years' service—Rs.85 per mensem.
Senior grade, 2nd Class (10 per cent. of total strength)—Rs.100 per mensem.
Senior grade, 1st Class (2 per cent. of total strength)—Rs.125 per mensem.

1946

Rupees 75—5—175 per mensem (E. B. at Rs.105 and Rs.140) with 6 per cent. selection grade posts on Rs.200 per mensem.

1915

(ii)—Inspectors of Vaccination
1st grade—Rs.50 per mensem.
2nd grade—Rs.45 per mensem.
3rd grade—Rs.40 per mensem.
Sub-Inspectors of Vaccination
Senior—Rs.30 per mensem.
Junior—Rs.25 per mensem.

1946

Rural Health Inspectors—Rs.40—3/2—55—2—75 per mensem.

(iii)—1st grade—Rs.100 per mensem.
2nd grade—Rs.80 per mensem.

Rupees 80—90—100 (on confirmation)—4—140 (E. B.)—6—200 per mensem.
No selection grade.

3rd grade—Rs.60 per mensem.
(iv)—Fifth grade—Rs.50 per mensem.
Fourth grade—Rs.60 per mensem.
Third grade—Rs.70 per mensem.
Second grade—Rs.80 per mensem.
1st grade—Rs.100 per mensem.

Rs.80—5/2—130 per mensem (Old).
Rs.75—5/2—125 per mensem (New).

For B.L. Sub-Inspectors—Rs.75—10/2—125 per mensem.

151. (a)—Trained Rural Health Inspectors posted in Thana areas are entrusted with the duties of disinfection of water supply and infection control, supervision of village sanitation, checking of adulteration of food-stuff, small-pox vaccination, distribution of anti-malaria drug and cholera inoculation in time of emergency and also public health propaganda work.

The duties of Sub-Assistant Surgeons on epidemic Units are mainly to deal with the epidemic occurrences. When not employed on epidemic duty, they do propaganda work, inspect vaccination in villages, schools and the health of school children. They educate rural public regarding sanitary affairs (water supply, disposal of refuse, etc.) and infectious diseases (cholera, small-pox, etc.) by informal talks with them and by easily understood lectures. They remain in charge of areas where there are no other Public Health Department Sub-Assistant Surgeons in-charge of Public Health Department Dispensaries.

(b) & (c)—The Rural Health Inspectors do not get any special pay, but the Sub-Assistant Surgeons on Epidemic Units get special pay at Rs 40 per mensem each.

(d)—The Sub-Assistant Surgeons are allowed peons and the Rural Health Inspectors are provided with medicine carriers when engaged on epidemic duty.

(e)—Does not arise.

(f)—Yes.

(g)—Rupees 12 per mensem.

Erosion by the river Jia Bharali in Darrang

Srijut BIJOY CHANDRA BHAGAVATI asked :

152. Are Government aware—

- (a) That the river Jia Bharali in the District of Darrang has already eroded 14 villages and rendered a population of 14,000 homeless?
- (b) That there is a dead river bed barely half a mile away towards which it is cutting its way?
- (c) That if it ever succeeds in cutting its way to that bed the whole countryside will be inundated involving over 50,000 population?
- (d) That there is great sensation and public agitation on that account?
- (e) That the Provincial Government experts have declared that small and palliative schemes simply cannot check this dangerous river, the current whereof acquires a speed of 14 feet per second in rains?
- (f) That it is agreed on all hands that the only way to save the threatening districts is to dam the river up in the hills?
- (g) That the population threatened is one of the densest in the district?
- (h) That if the dreaded inundation happens (i) crores worth of public property will be lost, (ii) lands will be lost to cultivation which at present produce crop annually valued at crores, (iii) the relief needed to relieve the distressed will run into many lakhs of rupees?
- (i) That electricity can be produced as a by-product by damming this river?

- j) That this can be combined with a scheme of multi-purpose development profitably ?
153. (a) Are Government aware of this danger ?
 (b) If so, do Government propose to adopt any scheme ?
 (c) Do Government propose to ask for help from the Government of India for such actions which are beyond the means and staff of the Assam Government ?
 (d) Do Government propose to take up immediately (i) the survey of the lands in question and water level of the river, (ii) reforestation up in the hills where deforestation is going on, (iii) geological survey of the neighbouring hills, and (iv) planning for the development of the country side ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

- 152. (a)—Erosion is in progress in the Jia Bharali river for a length of about three miles and some thickly populated villages are affected. The extent of damages has not yet been assessed but the figures given appear to be exaggerated.

(b)—This river is running in its course with increased tortuosity in the lower reaches, eroding its banks and flowing through a wide and shallow bed with friable banks. There is a course of an old river nearby, but it cannot be said that the river is making its way to the bed of the dead river.

(c)—In the absence of levels of the dead river, population of the locality it is difficult to forecast what the consequences will be if the river gets to the old channel.

(d)—There have been some representations, mostly of recent origin, from the public.

(e)—There has been no declaration made by Provincial Government experts that small and palliative schemes cannot check the meandering of the river.

(f)—Probably it is so.

(g)—It is believed so.

(h) (i), (ii) and (iii)—There is no information available about the value of the property or the area of land that may be affected in the area. Nor can an estimate be made of the amount of relief required on a hypothetical statement.

(i)—Quite feasible.

(j)—Quite likely, provided electrical energy has a market and the capital outlay is not prohibitive.

***Srijut BIJOY CHANDRA BHAGAVATI**: With regard to question No. 152 a) Sir, according to the admission of the Government "The extent of damages has not yet been assessed but the figures given appear to be exaggerated". When the actual damages have not been assessed then how can it be said that the figures given are exaggerated ?

***The Hon'ble Rev. J. J. M. NICHOLS-ROY**: Government thinks, Sir, that the figures are somewhat exaggerated.

***Srijut BIJOY CHANDRA BHAGAVATI**: It is only in the imagination of the Government.

The Hon'ble the SPEAKER: The question is that when there is no assessment of the extent of damages, what is the basis on which Government can say that the figures are exaggerated ?

*Speech not corrected.

*The Hon'ble Rev. J. J. M. NICHOLS-ROY: The law is from the work, Sir. (laughter).

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

153. (a) & (b)—Government are aware that this river may take any course and be a cause of enormous destruction, but without a detailed survey and careful planning no scheme can be formulated.

(c)—This is being done.

(d)—There is no possibility of these measures being taken without detailed planning which must take considerable time.

*Srijut BIJOY CHANDRA BHAGAVATI: When do Government propose to take up the work of planning?

*The Hon'ble Rev. J. J. M. NICHOLS-ROY: We have now got the Department of Embankment and Drainage and we shall see what can be done in this respect; but it will all depend on the possibilities of this Department to attend to this as soon as possible.

*Srijut BIJOY CHANDRA BHAGAVATI: Do Government propose to take up the scheme at a very early date.

*The Hon'ble Rev. J. J. M. NICHOLS-ROY: We have not yet made any schemes, but we shall have to make enquiry to take facts and figures regarding erosion of this river.

*Srijut BIJOY CHANDRA BHAGAVATI: Do Government propose to take up the work of survey?

*The Hon'ble Rev. J. J. M. NICHOLS-ROY: That we cannot say now, Sir. When we get officers we shall do that, but at present we are very much short of Officers.

Drainage Scheme at Fulagurijan near Nalbari

Srijut MAHENDRAMOHAN CHOUDHURY asked:

154. (a) Is it a fact that there is a drainage scheme at Fulagurijan near Nalbari still under execution?

(b) Is it a fact that a cement concrete weir worth Rs. 8,000 was constructed sometime in 1945 in connection with the above scheme?

(c) Is it a fact that the very cement concrete weir has collapsed just a few days after the completion of its construction?

(d) If so, will Government be pleased to state who was responsible for the work and consequent loss of Rs. 8,000 to the Government?

(e) Do Government propose to take necessary action against the person or persons responsible for the loss?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

154. (a) & (b)—Yes.

(c)—This was due to an extraordinary flood which cut back from the outfall, before the downstream side of the weir could be fully protected for difficulty of transporting the full quantity of pitching stones owing to difficulties of transport over the Railway during the war period.

*Speech not corrected.

- d) The damage occurred during prevalence of extraordinary conditions.
(e) — Does not arise.

*Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state whether the execution of the drainage scheme at Fulagurijan near Nalbari has been finished?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I think it is not finished yet.

*Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state how many years they will require to finish the small job?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The job is not small, Sir. It has to be done by experts. It is to be surveyed and plans and estimates will have to be made and it takes time. Our Engineers are trying to do that as far as they can.

*Srijut GAURI KANTA TALUKDAR: May I know whether survey work has at least been done?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I cannot say off hand, Sir, whether survey has been finished. It has been begun.

*Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Minister be pleased to state when this scheme was undertaken?

The Hon'ble the SPEAKER: How can all these questions be brought in? This question really concerns the cement concrete weir that has collapsed. The hon. Member finding the opportunity of headline should not bring in question like that. It will be very difficult.

Irrigation and Drainage Schemes undertaken in Kamrup, Goalpara and Darrang Districts

Srijut MAHENDRAMOHAN CHOUDHURY asked:

155. Will Government be pleased to state—

- (a) The names of the different irrigation and drainage schemes undertaken by Government in the districts of Kamrup, Goalpara and Darrang since the inception of the Embankment Drainage Works Department?
- (b) Whether all these schemes have proved successful?
- (c) If not, where they have met with failure and the cause or causes for such failure?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

155. (a)—As stated below:—

KAMRUP DISTRICT

1. Nadala Drainage Scheme in Tihu Circle.
2. Drainage and reclamation of low-lying areas west of Amami and Tapa-chamta in Tihu Circle.
3. Bund across the Sakajalajan in Botahgilla Mauza.
4. Remodelling the Kalmoni channel near Azra.

*Speech not corrected.

5. Bund across the Phulgurijan near Nalhati
6. Drainage of flood-affected areas North of Haib.

GOALPARA DISTRICT

1. Kujia Irrigation Scheme near Sidli
2. Kokrajhar-Bolagaon Irrigation Scheme

DARRANG DISTRICT

1. Gingia Irrigation Scheme near Monabari in Darrang
- (b) Yes, except the scheme at Phulgurijan item (5) under Kamrup District, the concrete weir of which was damaged by extraordinarily high flood.
- (c)—Does not arise.

***Srijut BELIRAM DAS :** Are Government aware that the project of Kalmati canal has proved unsuccessful?

The Hon'ble Rev. J. J. M. NICHOLS ROY : I require notice of that question.

***Srijut BELIRAM DAS :** Will Government start new schemes, and take up this matter and do the needful

No reply.

***Srijut RUPNATH BRAHMA :** May I draw the attention of the Hon'ble Minister to the project in the Goalpara district—Kokrajhar-Bolagaon Irrigation scheme?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The scheme is still in the experimental stage.

***Srijut RUPNATH BRAHMA :** How far that scheme has gone?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I require notice of that. I have to look in files which I do not have with me.

The Hon'ble the SPEAKER : Is it to be inferred that the Hon'ble Minister has answered to the question without looking into the file? Question (b) was whether all the schemes have proved successful. The reply is "Yes, except the scheme at Fulagurijan item (5) under Kamrup district, the concrete weir of which was damaged by extraordinarily high flood." What I was trying to make out is that the question is not a new one.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : So far they have proved successful except at Fulagurijan. I will make an enquiry.

Erosion of Bhoreli river near Jamaguri

Srijut OMEO KUMAR DAS asked :

156. (a) Will Government be pleased to state what action it has taken to stop the erosion of the Bhoreli river in Jamaguri (Tezpur Subdivision)?

(b) Are Government aware that the floating cages put up last year did not prove effective?

(c) Do Government propose to move the proper authorities to survey the river Bhoreli for the purpose of irrigation and generation of hydro-electric power?

*Speech not corrected.

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

156. (a) Government are not in a position to stop the erosion of the Bhoreli river immediately. The river is a very strong one which it is difficult to control effectively except at a colossal cost. Such rivers have not been controlled anywhere in the world without observations and collection of data for about a quarter of a century. Data remain to be collected. It will take a considerable number of years before any effective work can be taken.

(b) Yes, not to the extent expected. These devices are yet in the experimental stage. Some cheaper and better method of dealing with such virulent rivers have yet to be evolved.

The Government of India will be addressed in the matter.

†**Srijut OMEO KUMAR DAS** : Will Government be pleased to state if they have commenced taking the data or have they any agency to collect data ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Not yet, Sir; we shall have to do it.

†**Srijut BELIRAM DAS** : Is there any Officer who is collecting the data ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : That is a new question.

†**Srijut OMEO KUMAR DAS** : Is the Hon'ble Minister aware that an aerial survey was made recently ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : About Bhoreli river ? I am afraid, I am not aware of that.

Roads maintained by the Public Works Department in the Assam Valley, the Surma Valley and the Hill areas

Babu RABINDRA NATH ADITYA asked :

157. Will Government be pleased to state—

- (a) The total mileage of road maintained by the Public Works Department in the Assam Valley, the Surma Valley and the Hill areas ?
- (b) The total mileage of roads with treated surface in the Assam Valley, the Surma Valley and the Hill areas ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

157. (a) — The total mileage of roads (including bridle paths) maintained by the Public Works Department is as follows :—				
Assam Valley	...	...	...	1852.2 miles.
Surma Valley	...	...	...	596.3 miles.
Hill Districts	...	...	...	3102.8 miles.
(b) — The total mileage of surfaced roads maintained by the Public Works Department is as follows :—				
Assam Valley	...	...	...	567.4 miles.
Surma Valley	...	...	...	85.6 miles.
Hill Districts	...	...	...	302.7 miles.

†Speech not corrected.

(Explanation—previous to military operation. The mileage surfaced are as follows :—

Assam Valley	...	...	...	...	157.5 miles
Surma Valley	...	...	...	...	80.5 miles
Hills	...	...	...	...	237.1* miles

(* Including Burnihat-Sylhet boundary and Dimapur-Imphal Road).

†**Babu RABINDRANATH ADITYA** : In view of the poor proportion in the Surma Valley do Government propose to implement the scheme further and to accelerate the scheme any further ?

†**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : We shall see what can be done about that.

†**Babu RABINDRANATH ADITYA** : How do Government propose to increase the surface mileage in the Surma Valley.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : We shall have to study how the surface mileage in both valleys may be made proportional. If the hon. Member thinks that the surface mileage should be done proportionately, I think, Surma Valley has not got a bad treatment. Previous to military operation the total mileage of surfaced road in Assam Valley was 157.5 miles and in Surma Valley it was 80.5 miles and in the Hill Districts 237.1 miles. The total mileage of surfaced road maintained by Public Works Department in the Assam Valley is 567.4 miles and in Surma Valley it is 35 miles. The military operations were more in the Assam Valley on account of the war. So also in the Hill districts. So the surfaced roads were increased. The surfaced road in the Hill districts are mostly the 237 miles of the road from Jorabat up to Sylhet, and also the Dimapur-Imphal road. During the war the mileage of surfaced roads in the Assam Valley and Hill Districts has been increased whereas in the Surma Valley this has not been the case.

†**Babu RABINDRANATH ADITYA** : Do Government propose to expedite the surfacing of the Sylhet-Cachar Trunk Road ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : We shall look into it and see how far we can expedite the work.

Rashidpur-Jagannathpur Road

Babu JATINDRANATH BHADRA asked :

158. (a) Is it a fact that no earthwork is being done this year in the Rashidpur-Jagannathpur Road beyond Biswanath, only 2 (two) miles from Rashidpur, where a Local Board road already exists ?

(b) Is it a fact that the earthwork could not be proceeded with as no arrangement has been made by Government for prompt acquisition of lands or for taking advance possession of the same by the local authorities ?

(c) Will Government be pleased to state whether this road was taken up as an interim work and has to be finished within 1947 ?

(d) If so, do Government propose to finish the construction of the Road within the specified period ?

†Speech not corrected.

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

158. (a)—Yes.

(b)—Yes, final selection of the route took a considerable time.

(c)—Yes

(d)—No, but to difficulty in acquisition of land and delay in finally selecting the route.

*Babu JATINDRANATH BHADRA: Will Government please try to take advance possession of the land ?

*The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is not possible to take advance possession of the land in all cases.

*Babu JATINDRANATH BHADRA: When do Government propose to finish the work ?

*The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is not easy to say when.

Administration of Department of Agriculture

Babu JATINDRANATH BHADRA asked :

159. Will Government be pleased to state—

- (a) How long the administration of the Department of Agriculture was run by the I.C.S. Officers ?
- (b) Why this procedure of the I.C.S. administration of the Department of Agriculture was abolished ?
- (c) Whether it was due to the fact that the works of the Department of Agriculture necessitated its tackling by competent and well qualified technical Officers ?
- (d) If so, whether the administration of the Department since its taking over charge by technical men has all along been run by thoroughly qualified technical Officers ?
- (e) Whether Government propose to lay on the table a list of Heads of the Department of Agriculture with their technical qualifications up to the present time since its change of I.C.S. administration ?
- (f) Whether it is the principle of the Department of Agriculture to place technically qualified and specialised officer at the head of every particular section or branch of the Department ?
- (g) If so, whether there has been any infringement of this principle in the case of the Dairy section of the Department ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

159. (a)—There was no separate Department of Agriculture till the year 1931. This Department being a very small one prior to 1931, was a part of the Land Records Department and was under an I.C.S. Officer, i. e., Director of Land Records till the reform of 1922. Then it was separated from the Land Records Department and was a part of the Industries and Co-operative Department till 1930.

(b)—As the Department grew with the appointment of two extra Deputy Directors of Agriculture in 1929 it was separated as the Department of Agriculture and a technically qualified officer was appointed as the Director of Agriculture during the year 1931.

(c)—Yes.

(d)—Yes.

*Speech not corrected.

(e)—A list of Heads of the Department of Agriculture is given below:—

1. Mr. A. G. Birt, B.Sc. (Agric.) (Durham University), B.Sc. (L.A.S.)
2. Mr. J. N. Chakravarty, B.A., M.S., Agric. (Cornell), L.A.S.
3. Dr. S. K. Mitra, M.S. (Agric.), Ph.D. (Ohio), L.A.S.
4. Mr. R. C. Woodford with practical training in Dairying abroad and India.
5. Mr. L. K. Handique, B.Sc., Agric. (Edinburgh), with practical training in Denmark (officiating).

(f)—Yes.

(g)—No.

Activities of the Fishery Department

Babu RABINDRA NATH ADITYA asked:

160. Will Government be pleased to state—

- (a) The steps taken by the Fishery Department, to increase fish supply in the Province?
- (b) The total increase in fish supply as the direct result of the activities of the Fishery Department?

The Hon'ble Maulavi ABDUR RASHEED replied:

160. (a)—This matter was taken up by Government only in 1940 and the War Years inhibited its growth. A Scheme is being drawn up for work on a more extensive scale.

(b)—Does not arise.

Babu RABINDRANATH ADITYA: From the reply are we to understand that this Department has done nothing upto March, 1947, save and except drawing salary for its officers?

The Hon'ble Maulavi ABDUR RASHEED: There were no officers in this Department except one and two new officers have been appointed about two or three months ago.

Babu RABINDRANATH ADITYA: Do Government appoint officers before drawing up the scheme?

The Hon'ble Maulavi ABDUR RASHEED: In order to draw up the scheme these officers have been appointed, Sir.

Statement *re* Business of the day

The Hon'ble the SPEAKER: Order, order. Printed copies of the Report of the Select Committee on the Assam Sales Tax Bill, 1947, with the Bill as amended by the Committee, have been circulated this morning. If the House has no objection, I propose that after presentation of the Report, the Motion for consideration of the Bill as reported by the Select Committee may be taken up on the 31st March, 1947, after the Demands for Supplementary Grants are disposed of. Consideration of the Bill clause by clause and the Motion for its passing may be made on the 3rd April.

Under the three clear days time limit rule consideration clause by clause and Motion for passing should have been made on the 4th April but as there would be no other business to be taken up on the 3rd April and as 4th to 6th

April, both days inclusive, are Easter holidays, it would save time and money if the third reading of this Bill is taken up and finished on the 3rd April and the session adjourned *sine die*. Hon. Members may send in notice of Amendments, if any, to this Bill from now on till 3 P.M. on 29th March.

I want to know if there is any inconvenience to any quarter.

***Mr. W. R. FAULL:** We are quite prepared to accept the programme as proposed.

***The Hon'ble Srijut GOPINATH BARDOLOI:** May I draw your attention to a matter in reference to today's agenda. After the Demands for Grants have been finished, the supplementary list of business showing four items relating to two subjects will be taken up. According to the arrangements which you have been pleased to accept, I consider item No.2 to be more important than item No.1 of the agenda. The first item, *viz.*, the Report of the Select Committee on the Assam Committees of Enquiry (Evidence) Bill, 1946, may take a little more time than item No 2, *viz.*, consideration of the Assam Electricity Control (Emergency Powers) Bill, 1947. That Bill shall have to be printed by the Assembly Office and placed before the Upper House. We shall not take more than ten minutes if you would be pleased to take up that first.

The Hon'ble the SPEAKER: May I take it that the House has no objection to take the Assam Electricity Control (Emergency Powers) Bill, 1947, first? There is no amendment, so we can finish it probably in less than 5 minutes. Then we shall take up the first item.

Result of election to the Assam Embankment and Drainage Works Advisory Committee

The Hon'ble the SPEAKER: Now, I announce the result of election to the Assam Embankment and Drainage Works Advisory Committee which took place on the 22nd March. The following Members have been elected:—

Name of District	Name of Member elected
1. Lakhimpur	Srijut Bhadra Kanta Gogoi,
2. Sibsagar	„ Dandeswar Hazarika,
3. Darrang	„ Bepin Chandra Medhi,
4. Nowgong	Babu Khagendranath Samaddar,
5. Kamrup	Srijut Kameswar Das,
6. Goalpara	„ Sarat Chandra Sinha,
7. Cachar	Shri Satindra Mohan Deb,
8. Sylhet	Babu Jatindranath Bhadra,
9. Khasi and Jaintia Hills	Mr. Larsing Khyriem, and
10. Garo Hills	„ Maniram Marak.

Now, we take up Grant No. 34.

*Speech not corrected.

DEMANDS FOR GRANTS

GRANT No. 34

(85-A. Capital outlay on Provincial Schemes of State Trading)

The Hon'ble Mr. BAIDYANATH MOOKERJEE : On the recommendation of His Excellency the Governor of Assam, I beg to move that a sum not exceeding Rs. 100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1943 for the administration of the head "85-A—Capital outlay on Provincial Schemes of State Trading."

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs. 100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1943 for the administration of the head '85-A—Capital outlay on Provincial Schemes of State Trading'."

There are several Cut Motions. The first stands in the name of hon. Mr. Faull.

Mr. W. R. FAULL : Mr. Speaker, Sir, I beg to move that the total provision of Rs. 100, under Grant No. 34, Major head 85-A—Capital Outlay on Provincial Schemes of State Trading, at page 199 of the Budget, be reduced by Re. 1, i. e., the amount of the whole grant of Rs. 100 do stand reduced by Re. 1.

The object of my moving the Motion as stated in the Order Paper, is to discuss the failure of Government to prepare commercial accounts for trading enterprises.

With your permission, Sir, I should prefer to discuss the question of accounts of all Government trading enterprises together as the points which I have to make are common ones and no inconvenience will be caused by this method of treatment.

If a reference is made to the statement on pages 199 to 202 of the Budget Estimates it will be found that a receipt of Rupees six lakhs is expected on purchase of foodstuffs; six lakhs on purchase of rice, three lakhs on the Motor Transport Organisation; a debit of two lakhs on standard cloth and a profit of half-a-lakh on the consumer goods scheme. Altogether these enterprises show an excess of receipts over expenditure of Rs. 13 lakhs, there are details given on this expenditure, but these details do not assist us in any way in deciding how far these schemes are being worked with due regard for economy or to what extent profit or loss is being made.

There is no statement of the opening balance of rice, what liabilities the rice purchase organisation has incurred in previous years, what dues to Government are still unrecovered and, in the absence of this information, it is really impossible for this House to decide whether these enterprises are working satisfactorily or not. We are informed by Government that the Motor Transport Organisation is a failure though it is showing an excess of receipts over expenditure of 3 lakhs in the year. This is not a small sum but if its liabilities are increasing at a much higher rate, then of course the situation is serious.

From available budget figures I have attempted to work out what capital amounts would be outstanding in respect of these State enterprises. I had tabled a Question before the commencement of this Session on these points in order that

we should have some idea as to the profits which may have been made or the losses incurred. If the Government of Assam had been maintaining accurate accounts, we feel that it would not have been difficult to supply the information by this date and enable us to discuss with greater purpose the provision under this Major head. According to calculations taken from the Finance Accounts and figures given in the Budgets, I calculated that the following amounts were outstanding—Grain storage—120 lakhs; Motor Transport—41 lakhs; Standard cloth—19 lakhs, and that on other Miscellaneous schemes a profit of 8 lakhs had been made. We are anxious to know what is the value of the assets held by Government in respect of these schemes and I hope the Hon'ble Finance Minister will be able to give this information.

I see from the report of the proceedings of the Public Accounts Committee that in 1945 the Committee had taken up very strongly the question of the accounts of Supply, Assam Transport and Civil Defence and had recommended that profit and loss accounts should be maintained in such a way that it should be possible to ascertain easily the profit or loss on each commodity in each Valley and on the transactions of each agency, commercial or Government operated. Further, that in respect of the Assam Transport Organisation the balance sheet should show a more realistic assessment of depreciation and a less conjectural statement of operating results. I am, I may add, somewhat mystified by the reference to conjectural statements since accounts should be based on accurate data. The reply which was given to the Public Accounts Committee is not in my opinion entirely satisfactory. It is stated that accounts are now being maintained as far as possible in accordance with the directions of the Comptroller, that a new accounting procedure has been adopted for rice and paddy; and that an enquiry into the Assam Transport Organisation has been undertaken.

After reading the discussions that took place I am not clear whether a proper system of commercial accounts is being prepared and we shall be glad if a statement of these accounts could be printed and placed before this House. Where Government conduct trading enterprises we consider it essential that, before Budget provision is made in the customary form, profit and loss statements and statements showing the Capital Accounts of these enterprises should be supplied preferably well in advance of the date of the session so that these can be examined carefully. We would also ask that these accounts should be given in sufficient detail that they are susceptible to examination and do not merely consist of figures which cannot indicate the real state of affairs.

As regards Assam Transport, we regret that the Public Accounts Committee should have postponed its final recommendation until the Report of the Enquiry Committee has been released as we feel that it is essential to have an effective system of accounts control even though there may be another enquiry pending.

We appreciate the action of Government in showing separately the recoveries on account of cess, but we consider that it is necessary to go a stage further and indicate the charges which can legitimately be set off against the cess. As the accounts stand there is no indication whether Government are making a profit from this cess or not and it is obvious that Government cannot legally derive income from an administrative charge as otherwise it becomes a tax which has not been voted by this House.

We have been endeavouring to ascertain what profit Government have made from the cess on rice supplied to the Tea Industry and other priorities. Recoveries of cess were levied up to the 15th June 1943 at the rate of 4 annas on rice and one anna six pies on paddy and from the 15th June, 1943, a uniform rate of

6½ per cent. has been charged on all supplies. According to our information, financial results of Government's cess account through one agency from the 15th September 1942 to the 30th June 1946 showed a profit to Government of Rs. 76 lakhs. It is estimated that in this period the excess realisation from the Tea and other industries amounted to approximately 21 lakhs. Since August a new system has been in force and from the Tea Industry and other Commercial Organisations, mainly within this Group, a sum of over 4 lakhs of rupees was realised between August and December. We do not dispute the reasonableness of an administrative charge, but we consider that it should not be a source of profit to Government. There is no reason why the consumer should meet losses which may have occurred on the Surma Valley operations; losses on other imported commodities, or overhead costs of other activities of the Supply Department. There should be a system of accounting which will show clearly what costs are debitable to the cess and any excess in receipts should either be returned to those who have paid, or adjusted by a reduction in the rate of the cess.

We would, Sir, welcome a statement by the Hon'ble Minister on this point.

The Hon'ble the SPEAKER : Cut Motion moved.

"That the total provision of Rs. 100 under Grant No. 34, Major head 85-A.—Capital Outlay on Provincial Schemes of State Trading at page 199 of the Budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 100 do stand reduced by Re. 1".

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Mr. Speaker, Sir, the intention of the hon. Mover of this Cut Motion was to discuss the failure of Government to prepare commercial accounts for trading enterprises and in support of that he wanted to prove by his speech that Government did not keep such accounts.

Now, Sir, I shall take up the Supply Department first and then I shall take up the Assam Transport Organisation.

So far as the Supply Department is concerned, accounts of that Department are maintained in accordance with the directions given by the Comptroller, Assam. Trading accounts, profit and loss accounts and the balance sheets are prepared on the commercial line and are duly audited by the Comptroller. These accounts and the balance sheets in respect of the Supply Department Schemes under 85-A.—Capital Outlay on Provincial Schemes of State Trading, are published by the Comptroller, Assam, in the Annual Appropriation Account. Under Sections 168 and 169 of the Government of India Act, 1935, accounts and balance sheets for the year 1942-43, 1943-44 and 1944-45 were published with the Appropriation Accounts for the years concerned and those for the year 1945-46 are under preparation. As soon as it is prepared and audited by the Comptroller, Assam, it will be published.

Then, Sir, in this connection it was mentioned by the hon. Mover of the Motion—Mr. Faull, that this point was discussed in the last Public Accounts Committee. It will be found on pages 40 and 41 of the Committee's Report that there was some difference of opinion on the point as to whether the accounts should be kept item by item or separately only for indigenous commodities and for imported food-stuffs. The difficulty

was explained by the Financial Adviser and after that the hon. Member, who spoke last—I mean Mr. K. K. Sen—suggested that there should be only two separate accounts, one for the indigenous commodities—rice and paddy, and another for all other imported commodities. The Financial Adviser said that this had already been done. Now, Sir, if my hon. Friend, the Mover of this Cut Motion, wants that accounts for different commodities in different Districts or even in different Subdivisions should be kept and that the Budget Estimate for all these commodities to be dealt with in the next year should be placed well in advance before hon. Members I am sorry for him, Sir. This cannot be done. That might be possible in my Friend's firm. Sir, these accounts—balance sheets, etc., are prepared and published. First it is prepared, then it is audited by the Comptroller of Assam and then it is published in the Appropriation Accounts. So Government is doing all that is required by the Comptroller who is to audit our accounts. Now, Sir, so far as the Supply Department is concerned all these are being done and it was discussed there in the Public Accounts Committee and as suggested they were also intimated to the members of the Committee and as Financial Adviser that we were keeping accounts for two different classes of commodities, the indigenous and the imported.

Now, Sir, as regards the Assam Transport, the accounts of the Assam Transport Organisation are maintained in the double entry system which is the recognised method of keeping commercial accounts. Profit and loss accounts and the balance sheets showing the net result of operation during each year are prepared and submitted to the Comptroller, Assam, for audit as in the case of Supply and after due audit, these are published in the Appropriation and Audit Report of the year concerned. In this case also that is being done. It is therefore not understood where the failure of the Government in preparing the accounts commercially had occurred. Now if the implication is that no ledger was maintained previously I think as my hon. Friend, Mr. Faull, was the Director of Assam Transport for some months, he knows some internal affairs of the Organisation, having been the head of the Department. He is right but there was time when no ledger was being maintained. He then thought it was not in book form according to the double entry system these were used to be kept in loose form. But I can tell my hon. Friend and the Hon'ble House that after a few months of taking over the charge of this Department I have introduced that system also which fact is most probably not known to my hon. Friend, Mr. Faull. Had this suggestion come from him when he was in charge of this Organisation I would have been really satisfied but I am sorry Sir, my hon. Friend did not care to point out these defects when he was in which I found out myself and I have already introduced. Now, Sir, when my hon. Friend got the opportunity of finding out these defects he did not care to point out these defects when he was paid for it. Sir, now he says that this is not being done. Sir, it is a fact that while the principle of accounting in all modern commercial enterprises is more or less the same, different organisations adopt the same principle with variations or modifications to suit the different features of transactions involved. Now, Sir, the Assam Transport Organisation is not a trading concern in the sense that it does not trade in any particular commodity to be bought and sold but it is an operational organisation and the accounts are maintained commercially for that purpose. This system and the accounts of the Comptroller, Assam, who is conversant with both Government and commercial accounts. At least I believe so or the Government has the approval course my hon. Friend, Mr. Faull, thinks otherwise as to the competence of the Comptroller in commercial accounts in which case it will perhaps be necessary to give training to the Comptroller in such companies as represented by my hon. Friend, Mr. Faull. Sir, the position of the Government is perfectly clear; the Comptroller is there; he is sitting over this Government to see whether the Government are keeping accounts properly or not. It may be, Sir, that there was

a time when all these could not be done in spite of the suggestion of the Comptroller but those days are gone by. At present I can say this much that we are keeping these accounts according to the direction of the Comptroller. We are preparing these accounts which are being audited by him. If the Comptroller is satisfied, they are approved. If there is any defect that is pointed out and then all these things are published in the Appropriation Accounts. We have not kept anything secret, Sir.

Now, as I have already said, Sir, that it is the desire of this House that the accounts should be kept as directed or settled by my hon. Friend, Mr. Law, in that case Government will consider whether the Comptroller's direction should be taken or any other new form that will be suggested by any particular Member will be accepted. That would be a matter for consideration. But so far as these are concerned we are acting just according to the direction of the Comptroller who knows his job well. Sir, Government have a definite set of rules and we are doing whatever is wanted by the Auditor General. I mean the Comptroller who is the representative of the Central Government here in Assam after our accounts. He is not our employee, Sir. He is a member of the Government and he knows his duties. Whatever is wanted by him we are doing. How can I say to the Comptroller that here is a suggestion from some hon. Member which he should follow? How can I say this to the Comptroller that he is not right? It would be better if the hon. Member pointed out these defects to the Comptroller, Assam. In which case it would be quite all right it seems as if so long we are trying to hoodwink the Comptroller, now the time has come when he should not be hoodwinked any more and the accounts should be kept in such and such way. Let that direction go from some other quarters but, Sir, so far as we are concerned, we are to act up to his suggestion. That is the position, Sir. Now, Sir, I hope that after hearing from me that we are keeping our accounts according to the direction of the Comptroller, Assam, my hon. Friend will be satisfied. We are not doing anything against the interest of anybody. So, I request him to see his way to withdraw his Cut Motion, Sir.

The Hon'ble the SPEAKER: The Hon'ble Minister has not yet made any reference about the remark on 'cess'.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am sorry, Sir, for the omission. It was admitted by the hon. Member himself that for the maintenance of the Department some money is required. So, Sir, there is this cess, just to meet the expenditure of this Department without touching the ordinary revenues of the Province. It was decided, of course not by us—but by one predecessor—that some cess should be charged to meet the loss and expenditure in this Department. If the hon. Member says that the cess we are charging is too much in comparison with our requirement, Government shall look into the matter. But it is well known that we are charging this cess for the benefit of the Province. Like commercial concerns, we expect to gain and if there is any chance of loss we must cover that up from this cess. My hon. Friend is quite right in asking us to see that we do not lose anything owing to our negligence and that we should not try to make a huge profit. Government will take all possible care to see that on this account no loss is incurred and I will bear that suggestion in my mind for the future.

Mr. W. R. FAULL: Mr. Speaker, Sir, a few days ago Hon'ble Mr. Mookerjee claimed to have more commonsense than I have.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I never said, Sir, like that. What I said was that it was a question of commonsense. After that my hon. Friend said that it was a question of opinion. I can say this much that it is far from my mind to speak in the manner as imputed by the hon. Leader of the European Group or the hon. Leader of the Opposition—it means the same thing (*Laughter*). I know him from a very long time and we had occasion to work together in some other connections.

Mr. W. R. FAULL: Mr. Speaker, Sir, the remarks implied a lack of commonsense on the part of someone and I was put in a position of having to accept that that someone was myself. Now I want to speak exactly on those lines. Neither I nor any of my Group have got sufficient commonsense or intelligence to get any of the information that I have sought to get in connection with this Cut Motion, from the accounts system as portrayed in the accounts presented before this House.

If the Comptroller is working according to a commercial accounting system, I say quite definitely that he is not applying the commercial audit system as prescribed by the Auditor General of the Government of India. This Government's system of commercial accounts is nothing like the recognised system of commercial accounts through which I have operated commercially in Assam for nearly 30 years. In the accounts system that is followed by the Department there is no separation of capital and revenue heads; nor profit and loss account.

As regards Assam Transport the Hon'ble Minister has suggested that when I was the Director of Assam Transport it was my duty to have introduced this system of commercial accounts that I now speak of. Sir, when I was the Director workable that I recommended that Government Organisation was so bad and so un-Organisation and that if desired I would start it anew on commercial lines.

As far as the cess on rice and paddy is concerned, I still claim that it is wrong to charge an administrative cess on one commodity which is so large that it not only covers administrative charges, but meets losses incurred on trading in other commodities, or on account of Departmental carelessness, etc.

I would have been glad to be in a position to withdraw my Cut Motion, but as I have been so little satisfied from what I have heard from the Hon'ble Minister in this vague reply, I must press it.

The Hon'ble the SPEAKER: The question is:

"That the total provision of Rs. 100, under Grant No. 34, Major head—85-A.—Capital Outlay on Provincial Schemes of State Trading, at page 199 of the Budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 100 do stand reduced by Re. 1."

The question was lost.

I find that the other two *Cut Motions are identical with each other, that is, to discuss the serious shortage of cloth and foodstuffs. On this point I may say that towards the close of the Session we have fixed a day, for a general discussion.

Mr. C. W. MORLEY: Mr. Speaker, Sir, in connection with the Motion* standing in my name I desire to make a statement. The Hon'ble Premier received a deputation recently from this Group representing the garden labourers regarding cloth supply. Now I wish to place on record our sincere appreciation of the Government's assurance given in this matter and in view of the decision jointly reached I do not propose to move this Cut Motion.

*3. Mr. C. W. MORLEY to move:

That the total provision of Rs. 100 under Grant No. 34, Major head 85-A.—Capital Outlay on Provincial Schemes of State Trading, at page 199 of the Budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 100 do stand reduced by Re. 1.
(To discuss the serious shortage of cloth and foodstuffs.)

4. Mr. H. J. STEVENS to move:

That the total provision of Rs. 100 under Grant No. 34, Major head 85-A.—Capital Outlay on Provincial Schemes of State Trading, at page 199 of the Budget be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 100 do stand reduced by Re. 1.
(To discuss the serious shortage of cloth and foodstuffs.)

The Hon'ble the Speaker : Now I am putting the Demand as a question. The question is :

"That a sum not exceeding Rs. 100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '85A.—Capital Outlay on Provincial Schemes of State Trading'."

The question was adopted.

GRANT No. 9

(18B.—Navigation, Embankment and Drainage Works)

The Hon'ble Rev. J. J. M. NICHOLS-ROY : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 15,72,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head "18-B.—Navigation, Embankment and Drainage works."

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs. 15,72,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '18-B.—Navigation, Embankment and Drainage Works'."

There are no Cut Motions under this demand ; so I put the question.

Srijut RUPNATH BRAHMA : May I speak a few words on this Demand, Sir ?

The Hon'ble the SPEAKER : I was trying to establish a convention of having no speeches unless there be some Cut Motions or some other Motions. As I said the other day, the hon. Member has got every right to speak on the Demand and such speeches are being daily delivered in the Central Assembly, also. But can't we establish a healthy convention here ? Of course, if the hon. Member insists on speaking I shall certainly allow him. What is the intention of the hon. Member ?

(Srijut Rupnath Brahma then did not deliver any speech.)

The Hon'ble the SPEAKER : I am very thankful to the hon. Member.

The question is :

"That a sum not exceeding Rs. 15,72,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '18-B.—Navigation, Embankment and Drainage Works'."

The question was adopted.

GRANT No. 29

56.—Stationery and Printing

The Hon'ble Mr. BASANTA KUMAR DAS : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 5,33,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head "56.—Stationery and Printing",

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs. 5,33,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '56. —Stationery and Printing'."

There is no Cut Motion under this Demand ; I put the question.

The question is :

"That a sum not exceeding Rs. 5,33,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '56. —Stationery and Printing'."

The question was adopted.

GRANT No. 4

(9.—Stamps)

The Hon'ble Srijut BISHNURAM MEDHI : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 65,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head "9.—Stamps."

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs. 65,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '9.—Stamps'."

There is no Cut Motion under this Demand, so I put the question.

The question is :

"That a sum not exceeding Rs. 65,800 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head '9.—Stamps'."

The question was adopted.

GRANT No. 35

(Loans and Advances, etc.)

The Hon'ble Srijut BISHNURAM MEDHI : On the recommendation of His Excellency the Governor of Assam I beg, Sir, to move that a sum not exceeding Rs. 12,30,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head "Loans and Advances, etc."

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs. 12,30,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head 'Loans and Advances, etc.'"

There is no Cut Motion under this Demand also ; so I put the question.

The question is :

"That a sum not exceeding Rs. 12,30,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1948 for the administration of the head 'Loans and advances, etc.'"

The question was adopted.

The Assam Electricity Control (Emergency Powers) Bill, 1947

The Hon'ble the SPEAKER : Now we come to the Supplementary part of the agenda. The House was pleased to agree to take up the Assam Electricity Control (Emergency Powers) Bill, 1947, first.

The Hon'ble Srijut BISHNURAM MEDHI : May I make a statement, Sir, with regard to the Assam Professions, Trades, Callings and Employments Taxation Bill, 1947 ? I have received the recommendation of His Excellency the Governor with regard to one Amendment.

The Hon'ble the SPEAKER : We shall take up the Assam Electricity Control (Emergency Powers) Bill, 1947, first because the House agreed to take this item first.

The Hon'ble Srijut RAMNATH DAS : Mr. Speaker, Sir, I beg to move that the Assam Electricity Control (Emergency Powers) Bill, 1947, be taken into consideration, clause by clause.

The Hon'ble the SPEAKER : It is not necessary as there are no Amendments. The Hon'ble Minister may move that the Bill be passed.

The Hon'ble Srijut RAMNATH DAS : Sir, Speaker, Sir, I beg to move that the Assam Electricity Control (Emergency Powers) Bill, 1947, be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Electricity Control (Emergency Powers) Bill, 1947, be passed."

There is no Amendment on this Bill; so I put the question

The question is :

"That the Assam Electricity Control (Emergency Powers) Bill, 1947 be passed."

The question was adopted.

The Assam Professions, Trades, Callings and Employments Taxation Bill, 1947

The Hon'ble the SPEAKER : We now come to the Schedule under the Assam Professions, Trades, Callings and Employments Taxation Bill, 1947.

The Hon'ble Finance Minister has been pleased to inform the House that recommendations from His Excellency the Governor of Assam has been obtained in respect of Amendments to the Schedule. Has the recommendation been received in respect of all the Amendments ?

The Hon'ble Srijut BISHNURAM MEDHI : No, Sir, only in respect of Amendments Nos. 8, 9 and 10 which are similar.

Mr. PRABHUDAYAL HIMATSINKA : Mr. Speaker, Sir, I beg to move that in item A. 1 of the Schedule, for the figure "3,000", the figure "3,500" shall be substituted.

The intention is to raise the minimum taxable amount to Rs. 3,500 instead of Rs. 3,000.

The Hon'ble the SPEAKER : Amendment moved :

"That in item A. 1 of the Schedule, for the figure '3,000' the figure '3,500' shall be substituted."

The question is :

"That in Item A. 1 of the Schedule, for the figure '3,000' the figure '3,500' shall be substituted."

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the Schedule as amended stands part of the Bill"

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That clause I of the Bill, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the Title and Preamble of the Assam Professions, Trades, Callings and Employments Taxation Bill, 1947, stand part of the Bill."

The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI : I beg to move, Sir, that the Assam Professions, Trades, Callings and Employments Taxation Bill, 1947, be passed.

In moving this Motion I would like to draw the attention of the House to one point—an incorrect statement, made by Mr. Prabhudayal Himatsingka at the time of moving certain Amendments regarding the fact that in the Indian Income-tax Act there is no such provision as is laid down in clause 15 of this Bill for penalty of imprisonment. I draw his attention to Section 52 of the Indian Income-tax Act, which is identical with this clause 15. If a person makes a statement in verification or makes a false statement he shall be punishable with imprisonment which may extend to six months or with fine not exceeding five hundred rupees or with both. If any person fails or neglects to comply with any requirement or fraudulently evades payment of any tax he is liable to conviction before the Magistrate. So this clause 15 in the Bill is on the same line with Section 52 of the Indian Income-tax Act. So with a view to remove the false impression that has been created in the minds of the hon. Members that this provision does not find place in the Central Act, I have drawn the attention of the hon. Members to the relevant Section of the Indian Income-tax Act.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Professions, Trades, Callings and Employments Taxation Bill, 1947, be passed."

Mr. PRABHUDAYAL HIMATSINGKA : Mr. Speaker, Sir, I do not think that the point that I made has been met by the Hon'ble Minister. The section that has been referred to, refers to false statements and false verifications. The section the Hon'ble Finance Minister has referred is for punishment of an offence which certainly involves moral turpitude. Failure to file a return within a certain date or failure to deposit money has not been punishable of an offence which Indian Income-tax Act. The section refers to offences of imprisonment under the false verifications. By implication, Sir, it excludes the other things and has been penalised by fines or penalties to the extent of 1½ times of the amount of tax. This is specifically provided for in other sections.

The Hon'ble Srijut BISHNURAM MEDHI : Sir, the hon. Member has made a mistake. I will read clause 15 which runs thus—"Whoever fails, without reasonable cause, to submit in due time any return as required by or under the provisions of this Act or submits a false return ;"

If a person assesses the income or makes assessment he is not given power to send some one to imprisonment. It is a matter which will be tried by the Magistrate and all these facts will be taken into consideration for minor violation and the person may be let off with a fine. That statement is not a new intimation and the statement that the penalty is not provided in the Indian Income-tax Act is not correct.

The Hon'ble the SPEAKER : The question is—

“That the Assam Professions, Trades, Callings and Employments Taxation Bill, 1947 be passed.”

The question was adopted.

The Assam Committees of Enquiry (Appointment and Evidence) Bill, 1946.

The Hon'ble the SPEAKER : Now, we take up item No. 2 in the Supplementary list of business—consideration of the Assam Committees of Enquiry (Appointment and Evidence) Bill, 1946, clause by clause. The other day we dealt with the Amendments under clause 2, Nos. 1 and 4. Now we take up Amendment No. 2. Hon'ble Mr. Das may please move.

The Hon'ble Mr. BASANTA KUMAR DAS : I beg to move, Sir, that in sub-clause (b) of clause 2, after the words “written paper” the word “and” shall be added. This is consequential to the acceptance of Amendment No. 3. Therefore, I also move that Amendment.

That sub-clause (c) of clause 2, shall be deleted and the existing sub-clause (d) of clause 2, shall be renumbered as sub-clause (c).

The Hon'ble the SPEAKER : Amendment moved :

“That in sub-clause (b) of clause 2, after the words ‘written paper’ the word ‘and’ shall be added.

That sub-clause (c) of clause 2, shall be deleted and the existing sub-clause (d) of clause 2, shall be renumbered as sub-clause (c).”

(After a pause)

The question is :

“That in sub-clause (b) of clause 2, after the words ‘written paper’ the word ‘and’ shall be added.

That sub-clause (c) of clause 2, shall be deleted and the existing sub-clause (d) of clause 2, shall be renumbered as sub-clause (c).”

The question was adopted.

The Hon'ble the SPEAKER : The question is :

“That clause 2 of the Bill, as amended stands part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER : In clause 3 the first Amendment stands in the name of Mr. Faull.

Mr. W. R. FAULL : Mr. Speaker, Sir, I beg to move that in line 4 of clause 3, for the words “some person” the words “a Judge of a High Court of Judiciary in British India” shall be substituted.

Mr. Speaker, Sir, the object of prescribing that the Chairman of a Committee shall be a Judge of a High Court of Judiciary in British India is to ensure that Committees to enquire into definite matters of public importance are presided over by a person who is both independent and is experienced in the examination of evidence and in the hearing of judicial cases. It is inevitable that a Committee

of this nature should conduct its proceedings in a legal manner and the appointment of a Chairman with the qualifications we recommend would ensure that the Committee had the services of a most experienced person. There is a further reason for advocating the appointment of a High Court Judge. It is not likely that Government will appoint Committees of Enquiry for small investigations since they have their own executive officers who are quite capable of carrying out such enquiries. It is also desirable that Committees of Enquiry which have a quasi-judiciary function to perform should not be dominated by members of a single political party. It is not that we apprehend that the present Ministry would appoint a Committee exclusively of one party but this Bill will go on to the statute book and will be binding on subsequent Ministries and it is, therefore, desirable that the arrangements to be made should be applicable whether there is a Ministry in Office in whom we have confidence or in whom the Group may have no confidence. Further, the findings of a Committee are certain to command greater respect if the Committee is under a distinguished Judicial Officer. Hon. Members will be familiar that the Enquiry in the Calcutta Disturbances is being conducted by the Chief Justice of the Federal Court, assisted by two High Court Judges. We are not suggesting that matters of public importance will require such a weight of judicial learning but that whenever a Committee is to be appointed under this Act, it should be under the control of at least one High Court Judge.

The Hon'ble the SPEAKER : Amendment moved :

"That in line 4 of clause 3, for the words 'some person' the words 'a Judge of a High Court of Judiciary in British India' shall be substituted."

The Hon'ble Mr. BASANTA KUMAR DAS : Mr. Speaker, Sir, I have carefully listened to the speech delivered by the hon. Leader of the European Group in support of his Amendment. Sir, the apprehensions which are working in his mind should not be given a great importance to in order to accept the Amendment. One of his apprehensions is that when Government would form a Committee, they would take care to get it packed with the Government Party members. I think, Sir, this is an unwarranted assumption.

Mr. W. R. FAULL : I do not think that inference could be made from my statement. I made it clear so far as the present Government is concerned.

The Hon'ble Mr. BASANTA KUMAR DAS : Whichever Government would come into power such an assumption would be unwarranted.

Babu KAMINI KUMAR SEN : It will apply to the future Ministry.

The Hon'ble Mr. BASANTA KUMAR DAS : It should not be thought that that a Government will always take care to pack a Committee with the men of their own party.

The Hon'ble the SPEAKER : In America and elsewhere the head of Judiciary also changes with the change of the party in power.

The Hon'ble Mr. BASANTA KUMAR DAS : This is another matter. We are not as yet going to accept the American constitution and the constitution we will have to accept will be decided by the Constituent Assembly. A questionnaire has been issued to the Members of the Legislature in India inviting their opinions as to what form of constitution they will accept. But, Sir, even if a Government party man is appointed a Judge by a Government, he leaves behind his party predilections as soon as he becomes a Judge.

The second ground that he has moved is that a High Court Judge as Chairman of a Committee, the report that will be submitted by the Committee will be a very careful report. But he overlooks the fact that it is not the Chairman alone who counts in a Committee. There will be other members in the Committee. If the other members of the Committee are not careful, the report of the High Court Judge then there may not be a satisfactory report. This is the provision in the Bill and we have left it to the discretion of the Government to decide whether a High Court Judge should be taken as a Chairman. There is no regard to any special importance of the subject matter that may require investigation by such a Committee. It may be that some cases of public investigation may not require such a man of eminence as Chairman of the Committee. Therefore, Sir, to tie up the hands of the Government in such way may some times lead to some difficulty. It may not be necessary to have a High Court Judge to preside over a Committee. Government may set up. So far as this Province is concerned we have not as yet got a High Court of our own. But the provision is that a High Court Judge may be taken as a Chairman of a Committee whenever it is thought necessary by the Government to have a Committee to be presided over by a High Court Judge. So I submit, Sir, I cannot accept the Amendment of my hon. Friend, Mr. Faull.

Mr. W. R. FAULL: On a point of information, Sir, would the Hon'ble Minister-in-charge of the Bill react to the suggestion of the institution of a Sessions Judge for a High Court Judge?

The Hon'ble Mr. BASANTA KUMAR DAS: The arguments that I have advanced would apply to Sessions Judge as well. Because there is option of the Government to take a High Court Judge or any man of eminence.

Mr. W. R. FAULL: There is also option of the Government to take persons who are not so qualified as to be a High Court Judge or a Sessions Judge.

The Hon'ble the SPEAKER: If the Government do not put persons of eminence enjoying public confidence, where is the safeguard?

Mr. W. R. FAULL: Government may not have to worry about that.

Babu KAMINI KUMAR SEN: Government has absolute right to appoint 5 to 10 members in the Committee. Absolute discretion has been left to Government.

Mr. W. R. FAULL: In view of what the Hon'ble Minister has said, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

The Amendment was, by leave of the House, withdrawn.

Adjournment

The Assembly was then adjourned for lunch till 2 p. m.

(After lunch)

The Hon'ble the SPEAKER: Hon. Mr. Faull to move his next Amendment.

Mr. W. R. FAULL: Mr. Speaker, Sir, I beg to move that clause 3 shall be re-numbered as clause 3 (1), [i. e., it shall be read as sub-clause (1) of clause 3] and the following shall be inserted as sub-clause (2) of clause 3:—
“(2) A Chairman of a Committee shall be deemed to be a public servant.”

Sir, it is proposed that the Chairman of a Committee shall be deemed to be a public servant. It, as was recommended, a Judge of a High Court of Judicature had been appointed as Chairman, he would ordinarily be a public servant, but in order to remove any ambiguity it is desirable that it is made clear that when employed as a Chairman of a Committee is considered to be a public servant and this will enable him to exercise certain powers in relation to proceedings of Committees without need for separate statutory provision.

The Hon'ble the SPEAKER: Amendment moved:

"That clause 3 shall be renumbered as clause 3 (1) [i. e., it shall be read as sub-clause (1) of clause 3] and the following shall be inserted as sub-clause (2) of clause 3:

"(2) A Chairman of a Committee shall be deemed to be a public servant."

The Hon'ble Mr. BASANTA KUMAR DAS: Mr. Speaker, Sir, I do not exactly understand what the object of the hon. Mover is in moving this Amendment for acceptance by the House. In the speech he has delivered he has not given any indication save and except that a public servant exercises certain powers. But what are those powers? Those powers should be defined. Now, Sir, if any one is deemed to be a public servant, it is necessary that it should be further said that he would be a public servant under the definition of this word given in the Indian Penal Code. But as this Amendment stands it will practically give no right to the Chairman if he is simply described as a public servant, unless something more is said. Sir, I think, the object of the hon. Member is that the Chairman should take certain steps when a certain person gives false evidence before a Committee or fails to produce a certain document before the Committee on being required to do so. But, Sir, if that is the object of the hon. Mover, that will be served by the provision made in clause 9. This provision runs thus: "No Court shall take cognizance of any offence punishable under section 7 or section 8 except on the complaint, in writing of the Chairman." Simply by providing that the Chairman of a Committee shall be deemed a public servant the hon. Member will not be giving due right to the Chairman. Therefore, the Amendment, as it stands, Sir, cannot be accepted.

Mr. W. R. FAULL: In view of what the Hon'ble Minister has said, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

"That clause 3 of the Bill, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: There is no Amendment in respect of clause 4, therefore, I put the question.

The question is:

"That clause 4 of the Bill stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: Then we come to clause 5. There is an Amendment standing in the name of Mr. Faull.

Mr. W. R. FAULL: Mr. Speaker, Sir, I beg to move that after clause 5, the following shall be inserted as a new clause:—

"Any person who is required to give evidence on any matter or produce any document may object that such evidence or document will disclose information which is likely to expose him or his employer to unfair competition, and on such objection being made, the Chairman shall consider whether such objection is valid and if this objection is accepted, the Chairman shall make arrangements to preserve the secret character of such evidence."

Sir, Government appear to accept the reasonableness of provision for protecting persons from disclosing confidential and privileged matters. It is, I think, agreed that an employee of a firm might be required to disclose matters which would handicap it unfairly in competition with others. There is, therefore, no dispute in principle and we merely urge that the provision which at present is optional on Government making rules to that end should be made statutory and full protection given in the Act.

The Hon'ble the SPEAKER: Amendment moved:

"That after clause 5, the following shall be inserted as a new clause:

'Any person who is required to give evidence on any matter or produce any document may object that such evidence or document will disclose information which is likely to expose him or his employer to unfair competition, and on such objection being made, the Chairman shall consider whether such objection is valid and if this objection is accepted the Chairman shall make arrangements to preserve the secret character of such evidence.'

The Hon'ble Mr. BASANTA KUMAR DAS: Mr. Speaker, Sir, I really appreciate the object which has prompted the Leader of the European Group to move this Amendment. But, Sir, I want to point out that what he wants to safeguard really stands safeguarded by what has been provided in clause 12, sub-clause (b) which runs to the effect that the Provincial Government may make rules for regulating the attendance before a Committee appointed under this Act of persons who are, or have been, in the service of the Crown in India, and for safeguarding confidential or privileged matters, whether official or otherwise, from disclosure. Now, what he wants to have as a part of the Act, we have provided in the rules to be framed by the Provincial Government. If my hon. Friend wants that it should form part of the Act, I have no objection to accepting this Amendment. Of course a further rule may also be framed by the Government as to how this confidential matters should be preserved in consonance with what is going to be provided by this Amendment.

Babu KAMINI KUMAR SEN: On a point of information, Sir, if it is done, I think, the procedure ought to be laid down as to who will prescribe the procedure?

The Hon'ble Mr. BASANTA KUMAR DAS: In the light of this provision, the Provincial Government may lay down the procedure as to how this should be done and there may be also a further rule for safeguarding other secrets and confidential matters.

Babu KAMINI KUMAR SEN: Then, clause 12, sub-clause (b) will also remain.

The Hon'ble Mr. BASANTA KUMAR SEN: Yes, Sir, it will remain.

The Hon'ble the SPEAKER: The question is:

"That after clause 5, the following shall be inserted as a new clause:—

'Any person who is required to give evidence on any matter or produce any document may object that such evidence or document will disclose information which is likely to expose him or his employer to unfair competition, and on such objection being made, the Chairman shall consider whether such objection is valid and if this objection is accepted, the Chairman shall make arrangements to preserve the secret character of such evidence.'

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 5 of the Bill stands part of the Bill".

The question was adopted.

(At this stage the Hon'ble Mr. B. K. Das pointed out that the remaining clauses should be re-numbered accordingly. The Hon'ble the Speaker said that he would refer to the existing clauses as they were and the Secretary would re-number them afterwards.)

The Hon'ble the SPEAKER: We pass on to clause 6. There is no Amendment to this clause. So, I am putting the question.

The question is:

"That clause 6 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: Then, regarding clause 7, there is an Amendment standing in the name of Mr. Faull.

Mr. W. R. FAULL: Mr. Speaker, Sir, in view of the fact that my Amendments under clause 7 have failed I am not going to move the other *Amendments standing in my name under clauses 7, 8 and 9.

The Hon'ble the SPEAKER: Very well.

Now, the question is:

"That clauses 7 to 12, both inclusive, of the Bill, stand part of the Bill".

The Hon'ble the SPEAKER: The question is.

"That clause 1 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That the Title and Preamble of the Bill, stand part of the Bill".

The Hon'ble Mr. BASANTA KUMAR DAS: I beg, Sir, to move that the Assam Committees of Enquiry (Appointment and Evidence) Bill, 1946, be passed. I do not like to say anything beyond what I said at the time of the introduction of the Bill. I am really thankful to the House that the Bill has been given a very fair deal and I hope the House will give its unanimous verdict to this Motion.

The Hon'ble the SPEAKER: The question is:

"That that Assam Committees of Enquiry (Appointment and Evidence) Bill, 1946, be passed".

The question was adopted.

The Assam Committees of Enquiry (Evidence) Bill, 1946

The Hon'ble the SPEAKER: We now pass on to the next item.

The Hon'ble Mr. BASANTA KUMAR DAS: Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Committees of Enquiry (Evidence) Bill, 1946, and to move that the Bill as amended by the Select Committee be taken into consideration.

Now, Sir, the Select Committee have given full reasons in their Report for the changes they have introduced in the Bill and in their opinion the changes were of such a nature as required republication of the Bill and the Bill was republished. Now, it would appear from the Bill as it has emerged from the Select Committee that there is a change in the very title of the Bill. The Bill as originally introduced bore the title "the Assam Committees of Enquiry (Evidence) Bill." Now the Select Committee have recommended that the word 'Enquiry' should be dropped and the word 'the Legislature' should be added and the Bill will now be "the Assam Committees of the Legislature (Evidence) Bill, 1946." The reasons for this change would appear from the changes in clause 3 which is now clause 4

- *7. Mr. W. R. Faull to move:
That clause 7 shall be deleted.

Clause 7

8. Mr. W. R. Faull to move:
That clause 8 shall be deleted.

Clause 8

9. Mr. W. R. Faull to move:

Clause 9

That in line 2, the words "under section 7 or section 8" shall be deleted.

of the Bill. Now the hon. Member will recollect that at the very first the Motion for consideration was taken up, one objection was raised by the hon. Member of the European Group to the effect that the expression "Committee of the Legislature" as is found in Section 71 of the Constitution Act does not mean that a Committee can be appointed by the Legislature consisting of persons who are not members of the Legislature. In regard to that I repeat that it could be settled. This point was considered by the Joint Committee and they came to the same conclusion. On the part of the Government of the Province in their Report, Sir, is to this effect: "The principal question in regard to the current Bill is whether a Committee of a Chamber can be set up under the Constitution Act including persons who are not members of the committee. I understand of other Chamber: they conclude that provision may be made by an Act of the Provincial Legislature to do so, and have therefore made certain amendments in clause 3 to make it clear that other persons than members of the Chamber may be included in Committee of the Chamber. Under Section 71 it is provided that a Legislature can define its powers by an Act of the Legislature and the Legislature can certainly do so and provide that it can form a Committee not only consisting of its members but also consisting of its members and some other person who are not its members, or even a Committee of non-members. That is a privilege which the Legislature exercises in itself and having considered that aspect of the question the select Committee have introduced the change that when a Committee is formed that Committee may either be a Committee of members of the Legislature and also of persons who are not members thereof or exclusively of persons who are not members of the Legislature. That change is to be found in clause 4 which provides that any Select Committee appointed by either Chamber of the Assam Legislature to consider a Bill under consideration by that Chamber or any Committee appointed by or in pursuance of a Resolution passed by a Chamber to inquire into definite matter described in such Resolution whether such Committee include or do not include any person who is not a member of such Chamber, may order any person to attend before such Committee or to produce himself or by any other person any document in the possession or under the control of such person."

Then there has been a change made in sub-clause (2) with regard to the provision relating to the issue of summons. Now, in the original Bill a procedure was provided; but this has been relegated to the rules to be framed by the Provincial Government. Then, similarly in sub-clause (3) of clause 3 considerable portion has been eliminated and the procedure to be prescribed is to be made by rules framed by the Provincial Government.

Another point was raised when the Bill was taken into consideration. That was in regard to protection to be given to confidential matters. The Committee had added a new clause, i.e., clause 12 wherein it is provided that the Provincial Government may, subject to the condition of previous publication, make rules for safeguarding confidential and privileged matters other than official matters, from disclosure, and generally for carrying out the purposes of this Act. They have also recommended that such rules as framed will be placed before the Legislature and shall be subject to such modifications or amendments as may be agreed to by both the Chambers. Confidential official matters stand already protected by Rules framed by the Governor under Section 71 of the Constitution Act.

Then they have also added another clause, i.e., clause No. 11. Besides the definition clause there are three other clauses which have been added, namely clause 10, clause 11 and clause 12. By clause 10 immunities and privileges of witnesses have been given and by clause 11 it has been provided that if the conduct of a person becomes the subject-matter of investigation during the course of the enquiry, the Chairman shall give such person a reasonable opportunity to be present

either himself or by a legal representative. So these are the main changes incorporated in the Bill by the Select Committee. I hope the hon. Members have gone through the Report of the Select Committee and have appreciated the ample and cogent reasons they have given for all the changes introduced in the Bill.

With these words, Sir, I beg to commend my Motion.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Committees of Enquiry (Evidence) Bill, 1946 as amended by the Select Committee, be taken into consideration."

Mr. W. R. FAULL: Mr. Speaker, Sir, as I explained earlier, I came up to Shillong to attend the meeting of the Select Committee which, on arrival I found had been cancelled. The Select Committee was held at a later date but I had inadequate notice to enable me to attend, and I hope that in future members of Select Committee will be given adequate opportunities to attend, as, in this case, points which I could have made at the meeting of the Select Committee have now to be made at this later stage in the Bill.

In our view, the present Bill is misconceived since it seeks to give powers to a Legislature which neither legally nor constitutionally should be exercised by a Legislative body. Hon. Members will be aware that there is before this House a separate Bill to empower Government to constitute Committees for the purpose of enquiry into matters of public importance and to empower Committees so appointed to take evidence, etc. This Bill came up before this House on Saturday last and though our Group had certain objections on points of detail, we supported fully the principles underlying this Bill.

We can see no justification whatsoever for constituting this House into a Court for the purposes of investigating matters other than those connected with the function of this House—which is legislation. I realise fully that this House has the responsibility of scrutinising the actions of the Executive and also in bringing to the notice of Government legitimate grievances of the public, but we do not consider that this House should assume the role of an investigating tribunal.

Government will be able to appoint an independent Committee to investigate any matter of public importance and on this Committee Members of the Legislature can be invited to serve. In addition, Government have its own executive officers who will be able to inquire into any general question; these officers will have considerable advantages in carrying out investigations which appear to be connected with crime, since either the Police or Magistrates can exercise statutory powers which cannot appropriately be conferred on a Committee of the Legislature. We are at a loss to understand why this Bill should have been moved, particularly as all the duties which can be conferred on a Committee of the Legislature can be discharged in a more appropriate manner by other agencies.

It is perhaps inevitable that on a Committee of the Legislature the majority Party in the House would predominate and I would ask whether it is desirable that a Committee so composed should investigate into contentious matters. I do not wish to touch on a delicate subject but I would request the House to reflect on the probable public reaction if a Committee of the Legislature had been appointed to investigate the disturbances which had occurred in Bengal, or alternatively, whether a Committee of the Legislature in Bihar could have been asked to inquire into the recent disturbances in that Province.

I am sure hon. Members will agree that the dignity and prestige of this House and of this Legislature will not be enhanced if it is required to investigate contentious political matters. If such matters are of importance to justify investigation by a strong Committee, there is the remedy provided in the Assam Committees of Enquiry (Appointment and Evidence) Bill. There is, as I have already suggested, the alternative of enquiry through the Magistracy or the Police.

I do not claim to be expert on constitutional law but I have examined with some care an authoritative work on the working of Parliament and I have not been able to find any instance in which the privilege of Members of Parliament have been extended to cover an investigation by persons who are not Members of Parliament. The Act to which reference has been made as the prototype of this Legislation—I refer to George V, Chapter VII, 1921—refers to the establishment by the Crown of a Committee on the lines contemplated in the Appointment and Evidence Bill; it does not establish a privilege tribunal. Similarly, the Central Provinces and Berar Committees of Enquiry Evidence Act, 1938, to which reference was made during the last Session as a model for this Legislation, applies to the establishment by Government of a Committee, but it is not a Committee of Privilege. The powers under which the present Bill is to be set up derive from Section 71 of the Government of India Act, 1935. This occurs in the Chapter entitled 'Provincial Legislature' and the marginal reference to this Section is as follows:—"Privileges, etc., of Members". I am well aware that marginal references are not to be regarded as integral parts of an Act but where the marginal reference is supported by the context of a section, it can be considered in construing the Section. I would submit that the Section clearly applies to procedure of the Legislature and it would, therefore, be wrong in law to extend the privileges to persons who are not Members. It is, I understand, accepted that persons who are not Members of a Legislature cannot serve on a Select Committee of the House. Certain exceptions, however, have been made in regard to a Minister who is not a Member of the Legislature and the Advocate General. In this connection Rule 60 of the Assam Legislative Assembly Manual may be seen. I am aware that in the Report of the Select Committee this question has been briefly touched but no reasons have been given for reaching the conclusion that persons other than Members of the Legislature can serve on such Committees.

I trust that in view of these considerations Government will be prepared to drop this Bill which, I am convinced, is not in the best interests of this House or of the Province. Whatever purpose is sought to be achieved by this Bill can be achieved under the other Bill which has been approved by this House. I would repeat, that it is most undesirable that this House should turn itself into a court of law. Members are primarily Legislators and should stick to this task and not attempt to turn themselves into criminal investigators. We are not aware that any cogent reason has been given for setting up Committees of the Legislature either to exercise executive or quasi-judicial functions and we feel that this ill-advised Bill should be abandoned.

We shall be glad to hear from the Hon'ble Minister that in view of these considerations he does not propose to proceed with the Bill but, in the event of the Motion for consideration not being withdrawn, we shall be reluctantly compelled to move that the Bill be recommitted without limitation.

Babu KAMINI KUMAR SEN: Sir, I had no intention to take part in this debate but after hearing the hon. Leader of the European Group I am tempted to make a few observations. It seems, Sir, that hon. Mr. Faull has made his observations under complete misapprehension of the intention of the Bill and probably he has also misunderstood some of the provisions of the Bill that has been brought before this House.

This Bill, as I understand, Sir, is intended for three kinds of Committees; first is Select Committee appointed by the House for consideration of a Bill, second is the Privilege Committee appointed by the House for taking necessary steps to safeguard the privileges of the House as well as of the hon. Members and the third is the Committee appointed by the House to enquire into matters of public importance. These are the three Committees for which this Bill has been brought

before this House. Sir, we have just passed another Bill by which powers exactly similar to those that are provided in this Bill have been given to Committees appointed by the Government for the purpose of enquiring into definite matters of public importance and that Bill has not been opposed by the European Group. So, when the hon. Leader of the European Group had no objection to giving such powers to Committees appointed by Government to enquire into matter of public importance, I do not see any reason why he should object to the same procedure being applied to Committees merely because such Committees are appointed by the House itself. If he supported the other Bill, I do not understand how he can oppose the present Bill so vehemently. With regard to the other two kinds of Committees that are affected by this Bill, I mean, the Select Committee and the Privilege Committee, I think hon. Mr. Faull knows it full well that in Privilege Committees it would be very often necessary to hold enquiries and those enquiries will be infructuous if persons cannot be compelled to appear before a Committee or to produce the documents that might be in their possession. If such powers are denied to a Privilege Committee the whole purpose of the Privilege Committee will be frustrated and it would be extremely difficult, if not impossible to safeguard the privilege of the House. With regard to Select Committee, Sir, if I remember aright—I have not got the copy of the Assembly Rules with me, there is a rule in our Assembly Rules providing that the Committee can hear evidence from persons other than Members of the Legislature, that is, persons interested and affected by a Bill or having expert knowledge on the subject. Sir, this Bill seeks to make provision to make enquiries fruitful ones and to guard against such enquiries being infructuous. The powers that are sought to be given to these Committees are essentially necessary for their proper functioning and as such I do not see how one can object to them merely on imaginary apprehensions of abuse of power. Moreover when the provisions made in regard to the other Bill, that has been just now passed, have been accepted by the European Group, that has been reason why the hon. Leader of the European Group should not see any powers being given to Committees appointed by the House.

The Hon'ble Mr. BASANTA KUMAR DAS: Mr. Speaker, Sir, after what has been stated by my hon. Friend Mr. Sen very little remains for me to say. I only wish to point out one thing. It appears that the hon. Leader of the European Group is under a misconception with regard to the function of the Committees envisaged in this Bill. Now, he seems to assume that the Committees that would be appointed by either House of the Legislature or those which will be appointed on the basis of a resolution adopted in that behalf by either House of the Legislature will arrogate to themselves the functions of a Court. He seems to labour under the mistaken notion that such a Committee may inflict punishment or do such other things as a Court of Justice can do. But, Sir, that is certainly not the object of this Legislation. The Select Committee on a Bill has got certain rights under the rules of the Legislature; similarly a Privilege Committee of a Legislature has got certain rights under the rules that the Legislature may frame. But a Committee which may be appointed by the Legislature to enquire into matters of public importance, although it may be given the right to make some recommendations to the Government, it will be the duty of Government to decide whether they should take any action on the recommendations of such a Committee. So, it is very clear that the measure is not going to invest such a Committee, one other than a Select Committee or a Privilege Committee, with the status of a Court. Now, Sir, as has been pointed out by Mr. Sen, the Leader of the European Group did not object to the appointment of a Committee, i.e., of a public importance by Government, and the Bill relating to such a Committee has been passed by the House a while ago. Now, I do not understand what difference there will be between a Committee which is appointed by Government and a Committee appointed by the Legislature from the points of view stressed by the

hon. Leader of the European Group. He says that if a Committee be appointed by the Legislature it may be a Committee of members who belong to the party of Government. But if a Committee is appointed by the Government the same argument can be urged, and the hon. Leader of the European Group actually urged that argument in moving an Amendment to the other Bill. So, if a Committee be appointed by Government or if a Committee be appointed by the Legislature there is practically no difference so far as the functions that will be given to them. But it is only in matters of great importance on which the Legislature may find it necessary to appoint a Committee themselves and if such a Committee be formed then of course they will prescribe the manner in which that Committee should undertake the investigation, and it will be really an unwarranted assumption that such a Committee formed by the Legislature would be a Committee composed of the members of the Party to which the Government would belong. As I pointed out, when the Bill was taken into consideration during the last Session, that our Bill is really modelled on the English Bill, George V, Chapter VII. Even in Mr. Faull's own country the House of Commons appoint such a Committee, i.e., a Committee of the Parliament to enquire into grave matters of public importance.....

Babu KAMINI KUMAR SEN: In that Act such a Committee has been given power to deal with even contempt.

The Hon'ble Mr. BASANTA KUMAR DAS: They can set up a tribunal. We are not going to set up any tribunal. The intention is that the Legislature should only set up Committees.

Now, Sir, Mr. Faull, has referred to the tragic occurrences of Calcutta. Well, Sir, if the Legislature of the Province of Bengal chose to appoint a Committee to enquire into that matter they could do it even without any Legislation. Of course they did not do so. Similarly, this Government may not also, having regard to the importance of any such matter, appoint a Committee on the strength of the provisions of this Legislation, but may appoint that Committee in the manner in which the Bengal Government has done. It would depend on the importance of every subject which is to be investigated into whether a Committee of the Legislature should be appointed or not. Mr. Faull's main objection is that a Committee of Legislature does not mean a Committee consisting of persons who are not members of the Legislature and therefore he wants the provisions to be applicable only to Select Committees on Bills. This will be against the principle of the Bill to which the House stands committed. With regard to that I beg to differ from him, and we have taken legal opinion. Our legal expert has advised us that a Committee can be appointed by the Legislature consisting of persons who are not Members of the Legislature. This is a privilege which the Legislature is claiming under section 71 and that claim they want to secure by this Legislation. I need not therefore take any more time of the House and I again commend my Motion to the acceptance of the House.

Mr. W. R. FAULL: Sir, I have little desire.....

The Hon'ble Mr. BASANTA KUMAR DAS: The hon. Member has got no right of reply, Sir.

The Hon'ble the SPEAKER: The question is:

"That the Assam Committees of Enquiry (Evidence) Bill, 1946, as amended by the Select Committee, be taken into consideration."

The question was adopted.

Adjournment

The Assembly was then adjourned till 11 a.m., on Tuesday, the 25th March, 1947.

SHILLONG,
The 29th May 1947.

A. K. BARUA,
Secretary, Legislative Assembly, Assam